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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/554,093

10/21/2005

Isao Sasaki

SON-3006

1336

23353 7590 10/13/2011  
RADER FISHMAN & GRAUER PLLC  
LION BUILDING  
1233 20TH STREET N.W., SUITE 501  
WASHINGTON, DC 20036

EXAMINER

VU, THANH T

ART UNIT

PAPER NUMBER

2175

MAIL DATE

DELIVERY MODE

10/13/2011

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/554,093	<b>Applicant(s)</b> SASAKI ET AL.	
	<b>Examiner</b> THANH VU	<b>Art Unit</b> 2175	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 5) ☒ Claim(s) 1-9 and 19-28 is/are pending in the application.
- 5a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 6) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 7) ☒ Claim(s) 1-9 and 19-28 is/are rejected.
- 8) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 9) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/13/2010</u> .  | 6) <input type="checkbox"/> Other: ____.                          |

Art Unit: 2175

### **DETAILED ACTION**

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/16/2010 has been entered.

This communication is responsive to Amendment, filed 03/16/2010.

Claims 1-28 are pending in this application. In the Amendment, claims 10-18 have been cancelled and claims 19-28 have been added.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1 and 9, the phrase "capable of" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

Art Unit: 2175

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cazier et al. ("Cazier", US 2005/0206746), Park (US 6,263,217) and Arcuri et al. ("Arcuri", Pat. No. 6,133,915).**

Per claim 1, Cazier teaches an imaging apparatus having:

GUI screen image generating means for generating a GUI screen image having graphical user interface means for operating the apparatus and displaying the GUI screen image on image display means (fig. 3; [0015]);

operating means for operating the GUI screen image displayed on said image display means according to user selections (figs. 1 and 3; [0015]- [0017]; *which show GUI elements that are selectable by the user (i.e. according to user selections)* ); and

controlling means for controlling the apparatus in accordance with the operation of the GUI screen image by said operating means, characterized by having (figs. 1 and 3):

storing means having stored therein main menu information which is capable of setting and operating desired functions by classifying functions settable and operable in said imaging apparatus on the basis of a predetermined category, displaying index information of the classified functions in stages (figs. 1 and 3; ([0016], [0019, and [0021]; *which show the system dynamically prioritizing list of menu items (i.e. main menu) based upon the frequency of their uses by the operator*);

said controlling means controls said GUI screen image generating means on detection of a predetermined operation by said operating means ([0022]), and

said GUI screen image generating means generates the GUI screen image including the index information for operating the menu editing means in said unique menu information, in accordance with the control by said controlling means, to display the GUI screen image on said image display means (fig. 3; [0022]).

Cazier does not specifically teach the main menu is a hierarchy type menu, selecting the displayed index information in accordance with a selection made by said user, menu generating means capable of selecting desired index information among the main menu information in said storing means to generate unique menu information and menu editing means capable of editing the unique menu information generated by said menu generating means. However, Park teaches a hierarchical type menu and rebuilding of the hierarchical menu based on frequency of use (figs. 3; col. 3, lines 49-67). Arcuri teaches selecting the displayed index information of items within a menu in accordance with a selection made by said user, menu generating means capable of selecting desired index information among the main menu information in said storing means to generate unique menu information and menu editing means capable of editing the unique menu information generated by said menu generating means (figs. 2a-2e; col. 7, lines 33-41; col. 8, lines 30-41; *which show the user can customize menu items within a given menu*) . Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the teaching of Park and Arcuri in the invention of Cazier in order to provide the user with a hierarchical menu for arranging menu items in parent child menus and in order to allow

Art Unit: 2175

the user to customize a menu so that the menu provides convenient access to items on the menu that are desired by the user.

Per claim 2, the modified Cazier teaches the imaging apparatus as claimed in claim 1, characterized in that: said menu editing means has a function of adding the index information to said unique menu information, a function of deleting the index information, a function of rearranging a displayed position of the index information, and a function of initializing the unique menu information to predetermined menu information (Cazier, [0021]; [0022]; [0030]; [0034]).

Per claim 3, the modified Cazier teaches the imaging apparatus as claimed in claim 1, characterized in that: said GUI screen image generating means generates a GUI screen image including the index information for operating said main menu information in said unique menu information to display the GUI screen image on said image display means (Cazier, [0021]; [0022]; [0030]; [0034]).

Per claim 4, the modified Cazier teaches the imaging apparatus as claimed in claim 1, characterized in that: said GUI screen image generating means has a function of adding the unique menu information generated by said menu generating means to the index information of said main menu information (Cazier, [0021]; [0022]; [0030]; [0034]).

Per claim 5, the modified Cazier teaches the imaging apparatus as claimed in claim 1, characterized in that: said GUI screen image generating means has a function of adding the unique menu information generated by said menu generating means to the index information

Art Unit: 2175

displayed at an arbitrary hierarchy of said main menu information (Park, col. 3, lines 49-67; Cazier, [0021]; [0022]; [0030]; [0034]).

Claim 6 is rejected under the same rationale as claim 1.

Per claim 7, the modified Cazier teaches the imaging apparatus as claimed in claim 6, characterized in that: said GUI screen image for displaying the setting item corresponding to said index information has a function of scroll-displaying the setting items in accordance with a layout of said list information (Cazier, [0016]; [0019]).

Per claim 8, the modified Cazier teaches the imaging apparatus as claimed in claim 6, characterized in that: said GUI screen image for displaying the setting item corresponding to said index information carries out a graphic display indicative of its boundary in a case where a setting item of adjacent index information in said main menu is displayed (Cazier, fig. 3; [0021]; [0030]-[0033]).

Per claim 9, the modified, Cazier teaches the imaging apparatus as claimed in claim 6, characterized in that: said GUI screen image for displaying the setting item corresponding to said index information displays graphic information indicating the index information from which a setting item is able to be selected in a case where setting items of adjacent index information in said main menu is displayed (Cazier, fig. 3; [0021]; [0030]-[0033]).

**Claims 19-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cazier et al. ("Cazier", US 2005/0206746), and Arcuri et al. ("Arcuri", Pat. No. 6,133,915).**

Per claim 19, Cazier teaches an imaging apparatus comprising:

a storing section that stores program instructions to operate predetermined functions of the imaging apparatus, menu information that classifies the functions into categories, and index information corresponding to the functions ([0021]).

Cazier does not specifically teach menu generator configured to generate unique menu information by selecting desired index information from the menu information in accordance with function-selecting input and a menu editor configured to edit the unique menu information in accordance with menu-editing input. However, Arcuri teach menu generator configured to generate unique menu information by selecting desired index information from the menu information in accordance with function-selecting input and a menu editor configured to edit the unique menu information in accordance with menu-editing input (figs. 2a-2e; col. 7, lines 33-41; col. 8, lines 30-41; *which show the user can customize menu items within a given menu*).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the teaching of Arcuri in the invention of Cazier in order to allow the user to customize a menu so that the menu provides convenient access to items on the menu that are desired by the user.

Per claim 20, the modified Cazier teaches the imaging apparatus of claim 19, further comprising a graphic user interface (GUI) configured to receive the function-selecting input and menu-editing input (Cazier, figs. 3 and 3; [0015]; [0021]; Arcuri, figs. 2a-2e).

Per claim 21, the modified Cazier teaches the imaging apparatus of claim 20, wherein the index information is displayed on a screen image of the graphic user interface (GUI) (Cazier, figs. 3 and 3; [0015]; [0021]; Arcuri, figs. 2a-2e).



Art Unit: 2175

Per claim 22, the modified Cazier teaches the imaging apparatus of claim 20, wherein the storing section further stores table information that defines an order of display of the index information (Cazier, [0023]; [0028]; Arcuri, figs. 4 and 5, steps 435, 520).

Per claim 23, the modified Cazier teaches the imaging apparatus of claim 19, wherein the menu editor is configured to edit the unique menu information, in accordance with menu-editing input, by adding the desired index information to the unique menu information, deleting undesired index information from the unique menu information, rearranging a displayed position of index information of the unique menu information, and executing an initialization process of creating default unique menu information (figs. 2a-2e; col. 7, lines 33-41; col. 8, lines 30-41; *which show the user can customize menu items within a given menu*).

Claims 24-28 are rejected under the same rationale as claims 19-23 respectively.

### ***Response to Arguments***

Applicant's arguments with respect to the amendment have been considered but are moot in view of the new ground(s) of rejection.

### ***Inquiries***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THANH VU whose telephone number is (571)272-4073. The examiner can normally be reached on Mon- Fri 7:00AM - 3:00PM.

Art Unit: 2175

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William L. Bashore can be reached on (571) 272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thanh T. Vu/  
Primary Examiner, Art Unit 2175